

**DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. CROIX**

UNITED STATES OF AMERICA)
)
)
) **Criminal Action No. 2004-0105**
v.)
)
)
REINALDO BERRIOS, et. al.,)
)
)
Defendants.)
)
_____)

Harry Wallace, Esq.,
Miami, FL
For the Government

Reinaldo Berrios
Defendant Pro Se

ORDER

UPON CONSIDERATION of Magistrate Judge George W. Cannon Jr.’s Report and Recommendation (“R&R”) (Dkt. No. 903) regarding Defendant Reinaldo Berrios’ Motion to Vacate (Dkt. Nos. 776, 777); the Government’s Response to Berrios’ Motion to Vacate (Dkt. No. 823); Defendant Berrios’ Objections to Magistrate Judge Cannon’s R&R (Dkt. No. 917); and Defendant Berrios’ First through Fifth Motions to Supplement his Motion to Vacate (Dkt. Nos. 846, 961, 962, 964, 988); and for the reasons stated in the accompanying Memorandum Opinion, filed contemporaneously herewith, it is hereby

ORDERED that Magistrate Judge George W. Cannon Jr.’s Report and Recommendation (“R&R”) (Dkt. No. 903) is **ADOPTED AS MODIFIED** in the accompanying Memorandum Opinion; and it is further

ORDERED that Defendant Berrios’ Motion to Vacate (Dkt. Nos. 776, 777) is **GRANTED IN PART AND DENIED IN PART**; and it is further

ORDERED that Defendant Berrios' Motion to Vacate is **GRANTED** insofar as the Court finds that two of Defendant Berrios' convictions—Count 6¹ and Count 9²—must be vacated; and it is further

ORDERED that the Court will schedule a resentencing hearing to address the nine counts for which Defendant Berrios' convictions remain valid by further Order of the Court; and it is further

ORDERED that Defendant Berrios' Motion to Vacate is otherwise **DENIED**.

SO ORDERED.

Date: July 25, 2023

_____/s/_____
WILMA A. LEWIS
District Judge

¹ Count 6 is causing the death of a person through the use of a firearm, in violation of 18 U.S.C. § 924(j)(1). Count 6 is predicated upon Count 2, attempted Hobbs Act robbery in violation of 18 U.S.C. § 1951(a). (Dkt. No. 309 at 3, 7).

² Count 9 is using a firearm during and in relation to a crime of violence, in violation of 18 U.S.C. § 924(c)(1)(A). Count 9 is predicated upon Count 8, attempted carjacking in violation of 18 U.S.C. § 2119(1). (Dkt. No. 309 at 9, 10).